

FILED - USDC -NH  
2022 APR 14 PM 4:18

**UNITED STATES DISTRICT COURT  
DISTRICT COURT OF NEW HAMPSHIRE**

**PLAINTIFF: KHALED ABDEL-FATTAH**

**VS**

**CIVIL ACTION NO. 22-cv-125**

**Defendant 1: James D. Kelly**

**&**

**Defendant 2: Kelly Law PLLC**

**COMPLAINT**

**(REQUESTING JURY TRIAL)**

- 1- Plaintiff - Khaled Abdel-Fattah 733 TURNPIKE ST. # 186 N. Andover, MA. 01845  
Email: [kalabdel@yahoo.com](mailto:kalabdel@yahoo.com)  
Phone number: (508) 400-7770
- 2- Defendant 1: James D. Kelly 16 Broad St. Nashua, NH. 03064  
Email: [kellylawpllc@gmail.com](mailto:kellylawpllc@gmail.com)  
Phone number: (603) 809-4230
- 3- Defendant 2: Kelly Law PLLC 16 Broad St. Nashua, NH. 03064  
Email: [kellylawpllc@gmail.com](mailto:kellylawpllc@gmail.com)  
Phone number: (603) 809-4230
- 4- US DISTRICT COURT OF NEW HAMPSHIRE, has the jurisdiction to try this case on the base of diversity jurisdiction. The plaintiff, Khaled Abdel-Fattah lives in the state of MA, the defendant James D. Kelly office of work is in Nashua, New Hampshire.

## **ALLEGATIONS**

- 5- Attorney James D. Kelly failed to carry his duty as an attorney to protect me and find facts of the case that were presented against me in Case # 226-CV-2018-00451 on August 29, 2018.
- 6- He failed to full fill his contractual obligations after receiving his retainer. This is a breach of Contract.
- 7- He failed to full fill his obligations as an attorney to protect me from the frivolous and malicious case of 451. This is attorney malpractice since he collected his retainer and failed to take any legal action in the case for over 8 months.
- 8- He failed to inform me, Khaled Abdel-Fattah, the defendant in Case # 451, that the serving of the complaint was improper and against rule **RSA 510:2-a & US RULE 4 C (2) SUMMONS**. The attorney for the plaintiff in Case # 226-CV-2018-00451, claimed that she hand delivered the complaint to me, the defendant, Khaled Abdel-Fattah. Attorney James D. Kelly failed to file a motion to dismiss the case for improper service. He could have filed a motion to dismiss immediately after he was hired 11 days after. **Please See Exhibit 1, Service of Complaint.**
- 9- He failed to inform me that the complaint was against a different person, Christine Eno, which apparently was inserted by the Plaintiff's attorney in Case # 226-CV-2018-00451 instead of my name. Attorney James D. Kelly had the opportunity to also move to dismiss the case based on this fact. **Please see Exhibit 2, the Complaint of Case 451.**
- 10- He failed to file a counter claim in time. As a matter of fact, James D. Kelly failed to file a counterclaim in the 8 months he was representing me in case #451. Counterclaims must be filed in 30 days in Hillsborough South Superior Court. He was hired 11 days after
- 11- He was informed of issues of genuine material fact that could have been presented in the counter claim but her refused to act on them which resulted in me, Khaled Abdel-Fattah, to file 2 separate complaints on my own after he withdrew from representing me on 5/14/2019 and his withdrawal was accepted by the trial judge on 5/15/2019. I will present these issues during the trial or if requested earlier.

12- Attorney James D. Kelly was fired on May 14, 2019 for reason of him failing to take any type of legal action since he was hired on 9/8/2018 such as filing a motion to dismiss the case and filing a counterclaim, in the first 30 days after hiring. His concern was to get paid more even though he was paid a retainer of \$2,500 plus around \$1,050 to take on the case.

13- Attorney James D. Kelly being fired failed to inform me of the sale of the property at 899 Long Iron Dr. N. Carolina, while he was communicating with the attorney of the Plaintiff, Tanya Spony.

### **RELIEF**

I pray that the Hon. District Court of New Hampshire would grant me \$162,000.00 (One Hundred and Sixty-Two Thousand US Dollars). These are equivalent to the funds held in escrow since August 29, 2018. I also pray that the Hon. Court would grant me \$400,000 (Four Hundred Thousand US Dollars) for loss of revenue. Total relief sought is \$562,000 plus, what the court may see appropriate to compensate me for pain and suffering since Case #451 is still continuing and I have to defend myself as a Pro Se litigant after attorney James D. Kelly failed to represent me.

Date: 4/14/2022

Signature: 

Name: KHALED ABDEL-FATTAH

Address: 733 TURNPIKE ST. # 186 N.

Andover, MA. 01845